

Instructions to Apply for an Order for Protection (Minn. Stat. § 518B.01)

What is an OFP?

An Order for Protection (OFP) is a Court order that will help protect you from domestic abuse. An OFP tells the abuser to stop harming or threatening you or your children.

Who May File? (Minn. Stat. § 518B.01, subd. 4(a))

- A. Petition for an Order for Protection can be filed by:
- a. any family or household member;
 - b. a guardian; or
 - c. a reputable adult age 25 or older on behalf of minor family or household members; or
 - d. a person age 16 or 17 seeking protection from a person they:
 - are married to,
 - were married to, or
 - have a child with.

Definitions: (Minn. Stat. § 518B.01, subd. 2)

1. **Domestic Abuse** is defined as any of the following conduct between family or household members:
 - a. Actual physical harm, bodily injury, assault (such as hitting, kicking, slapping, pushing, stabbing), or fear of imminent physical harm, bodily injury or assault (such as verbal threats, threatening gestures); or
 - b. Terroristic threats (such as a threat to commit a crime of violence, bomb threats, or threatening someone when holding a gun); or
 - c. Criminal sexual conduct (such as forced sex or forced sexual contact with an adult or any form of sexual contact with a child); or
 - d. Interference with an emergency call (intentionally interrupts, disrupts, impedes or interferes with an emergency call or intentionally prevents or hinders another from placing an emergency call.)
 2. **Family or household members** are defined as:
 - a. Married persons
 - b. Persons who were married but are now divorced
 - c. Parents, children
 - d. Persons related by blood (such as brothers, sisters, uncles, aunts, or grandparents)
 - e. Persons who live together now or who lived together in the past
 - f. Persons who have a child together, even if they have not been married or lived together
 - g. Persons who have an unborn child together
 - h. Persons involved in a significant romantic or sexual relationship
- **If your complaint DOES NOT involve "domestic abuse" AND "family or household members" as defined above, you cannot file a Petition for an Order for Protection. However, you may still be able to proceed under the harassment laws. Please ask at the Court administrator's office for harassment forms.**
 - **If your complaint DOES involve "domestic abuse" AND "family or household members," you must complete the Petitioner's Affidavit and Petition for Order for Protection completely and in detail, according to the attached instructions (court form OFP102).**

Instructions for Completing “Petitioner’s Affidavit and Petition for Order for Protection”

Helpful materials may be found at your public county law library. For a directory, see <http://www.lawlibrary.state.mn.us/cllppubdir.rtf> . For more information, contact your court administrator or call the Minnesota State Law Library at 651-296-2775.

In the box marked "County," write the name of the county in which you are filing the Petition.

Court administration staff will fill in the "Judicial District" and "Case No." box.

On the line above the word "Petitioner," write your own name, and on the line above the word "Respondent," write the name of the person from whom you are seeking protection.

(NOTE: THE NUMBERS OF THESE INSTRUCTIONS ARE THE SAME AS THE NUMBERS ON THE AFFIDAVIT AND PETITION)

1. You do not need to write anything in this section.

General Information

2. Write in your complete address, date of birth, gender and race. If you do not want the Respondent to know your address, or if you do not want your address to be part of the public file, **DO NOT WRITE YOUR ADDRESS HERE**; you may provide it separately to the Court staff on the Petitioner's Information Sheet. You **MUST** tell the Court staff that you do not want your address to be part of the public file. (See Petitioner's Information Sheet, court form OFP104.)
3. Write in the complete address, date of birth, gender and race of the Respondent (person from whom you are seeking protection). If you do not know Respondent's date of birth, give age.
4. Check all boxes that apply to your current situation. If you check the last box, "Significant romantic or sexual relationship," you must fill in the blanks next to it.
5. If you and the Respondent have been involved in other Court actions, check the box(es) of the types of action involved and then indicate the county and the month and year the actions took place. Give details of any child protection action(s).

Abuse Information

6. This section needs to be completed **ONLY** if you and the Respondent have been involved together in a prior Petition for an Order for Protection. If you have been involved in a prior Petition for an Order for Protection, write in the name of the county where the prior OFP Petition was filed, when the prior OFP Petition was filed, and the name of the judge in the prior OFP. Check off what happened in the prior case, such as whether only a Temporary Order was issued, an OFP was issued, or the OFP was denied. Describe in detail any acts of abuse, harassment, threats, or stalking that have happened since you last applied for an OFP. Fill in most recent petition.
7. Check off whether the Respondent has abused or threatened domestic abuse upon you and/or a minor child or children, and write the name of any minor child or children that Respondent has abused or has threatened to abuse.

8. Write in the details of the acts of domestic abuse committed by the Respondent. See Paragraph 1 under DEFINITIONS on Page 1 to be sure that what you describe are acts of domestic abuse. For each act of domestic abuse, answer these questions: WHAT happened, WHO did what, WHEN did it happen, and WHERE did it happen. Be very specific in giving the details. The approximate dates when the incidents happened MUST be given. Describe the most recent acts of abuse first.
9. Check the appropriate box(es). If you have any medical or police reports, you may attach them.
10. If you and the Respondent are parents of any joint minor children under 18 years old, write in their names and dates of birth. Also write in the names of persons who the children are with now--whether it is you, the Respondent or someone else. A joint minor child is a child born to you and the Respondent or adopted by you and the Respondent.

If you are the biological mother and you and the Respondent were not married at the time a joint minor child was born, you must indicate whether or not the Respondent was named the father by a judge. The reason for this requirement is that if a judge has not named the Respondent the father, the biological mother automatically has sole physical and legal custody of the joint minor child, and you do not need to ask for custody. Also indicate if a Recognition of Parentage has been signed.

Identify any Court order involving the joint minor children (such as a divorce or dissolution order, paternity order, juvenile Court order, child protection order, or other OFP).

11. Write in the names and dates of birth of any OTHER minor children (known as nonjoint children) who are involved in this action (such as your children who are not also the Respondent's children) and the names of persons who the nonjoint children are with now.
12. a. If you wish to have the judge award you custody of any joint minor children under 18 years old, write in their names.
b. Tell the Court what parenting time (visitation) you think Respondent should have with the joint minor children.
c. Indicate if parenting time (visitation) should be restricted or supervised.
d. If you think Respondent's parenting time (visitation) should be restricted or supervised, tell the judge why.
- NOTE:** You have the right to request supervised parenting time (visitation).

Financial Information

13. a. If you want the judge to award you child support, support for yourself, and/or medical support/health insurance, check off the appropriate box(es) in part (a) and then fill out the rest of the information in part (a).
b. State what you pay for childcare each month to allow you to go to work or to school.
c. State what health insurance you have.
d. Other
14. You have the right to ask the judge to order the Respondent to pay you for expenses resulting from Respondent's abuse. These may include medical expenses or the cost to replace or repair destroyed or damaged property.

Requests for Court Action

15. Check the box if this section applies.

16. Check the first box if you are asking the judge to issue an Ex Parte Order without a hearing. If you ARE NOT going to ask the judge to grant any requests in Question 18 below, then you may skip Question 18.

NOTE: The judge may decide that a hearing is required even though you do not want a hearing to be held. You will receive an Order for Hearing telling you the date and time of the hearing.

You have the right to request a hearing even if you are only requesting an Ex Parte Order for relief. Check the second box if you are requesting a hearing. You will receive notice of the date and time of the hearing. If you ARE going to ask the judge to grant any requests made in Question 18 below, a hearing will have to be held so you should check the second box to indicate that you DO want a hearing.

NOTE: If you wish to have this order enforced in any other state or if you wish to have the Respondent prohibited from acquiring or possessing a firearm, a hearing must be held.

NOTE: THE RESPONDENT ALSO HAS THE RIGHT TO REQUEST A HEARING SO IT IS POSSIBLE THERE WILL BE A HEARING SCHEDULED WITHIN THE NEXT FEW WEEKS EVEN IF YOU DO NOT REQUEST ONE. IF THE RESPONDENT DOES REQUEST A HEARING, THE COURT WILL MAIL YOU A NOTICE OF THE HEARING DATE AT LEAST 5 DAYS IN ADVANCE. THE COURT MUST HAVE YOUR CURRENT ADDRESS AT ALL TIMES TO ENSURE THAT YOU GET ALL REQUIRED NOTICES.

17. Check the boxes for all items that you want the judge to order for immediate protection.
18. If you want the judge to grant you any of the items in Question 18, they will only be granted after a hearing. Therefore, if you check any items in Question 18, a hearing will be held. Be specific with any requests you make in this section.
19. You do not need to write anything in this section.

YOU MUST BE PLACED UNDER OATH AT THE COURT ADMINISTRATOR'S OFFICE BEFORE SIGNING THE PETITION. DO NOT SIGN THE PETITION UNTIL YOU ARE INSTRUCTED TO DO SO BY COURT ADMINISTRATION STAFF OR BY A NOTARY.

BEFORE YOU BRING YOUR PETITION TO THE COURT ADMINISTRATOR'S OFFICE, YOU MUST:

- READ AND SIGN THE "NOTICE TO PETITIONER REGARDING INFORMATION PROVIDED IN PETITION AND AFFIDAVIT" AND TAKE IT TO THE COURT ADMINISTRATOR'S OFFICE.
- COMPLETE THE "PETITIONER'S INFORMATION SHEET" AND TAKE IT TO THE COURT ADMINISTRATOR'S OFFICE.
- COMPLETE THE "LAW ENFORCEMENT INFORMATION SHEET" AND TAKE IT TO THE COURT ADMINISTRATOR'S OFFICE. THIS WILL BE SENT TO THE POLICE OR SHERIFF ALONG WITH THE PETITION AND ORDER TO ASSIST THE OFFICER WHO WILL BE DELIVERING THE DOCUMENTS TO THE RESPONDENT.